

## Message Text

UNCLASSIFIED

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ORIGIN PA-02

INFO OCT-01 ISO-00 L-03 AF-10 ARA-10 EA-09 EUR-12  
NEA-10 IO-13 SIG-02 MMO-04 DRC-01 SY-05 /082 R

DRAFTED BY PA/FOI: BENNIS:CAG

APPROVED BY PA: WDBLAIR

L/M:GMALMBORG

-----040758Z 122205 /21

R 040226Z MAY 77

FM SECSTATE WASHDC

TO ALL DIPLOMATIC AND CONSULAR POSTS

UNCLAS STATE 100786

INFORM CONSULS

E.O. 11652: N/A

TAGS: OGEN

SUBJECT: PROPER DESIGNATION OF CLASSIFIED MATERIAL

1. DEPARTMENT CALLS ATTENTION OF ALL POSTS TO CERTAIN ASPECTS OF CLASSIFICATION PROCEDURE WHICH HAVE BEEN THE SUBJECT OF SOME MISUNDERSTANDING.

2. ONLY MATERIAL DESIGNATED IN ONE OF THE THREE CATEGORIES OF CLASSIFICATION PRESCRIBED BY EXECUTIVE ORDER 11652 MAY BE WITHHELD FROM RELEASE UNDER SECTION 5(B)(1) OF THE FREEDOM OF INFORMATION ACT (FOIA), OR WHEN REQUESTED UNDER THE MANDATORY DECLASSIFICATION REVIEW PROVISIONS OF THE ORDER ITSELF. NO OTHER MARKING CURRENTLY BEING APPLIED CONSTITUTES CLASSIFICATION. IN PARTICULAR, MATERIAL DESIGNATED FOR LIMITED OFFICIAL USE (LOU), WHILE IT IS HANDLED IN THE DEPARTMENT AS IF IT WERE CLASSIFIED, IS AN ADMINISTRATIVE CONTROL ONLY AND AFFORDS NO LEGAL PROTECTION

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AGAINST RELEASE UNDER SECTION 5 (B)(1) OF FOIA.

3. LOU MATERIAL MAY, OF COURSE, BE EXEMPTED BY THE DEPARTMENT UNDER OTHER FOIA PROVISIONS FROM RELEASE IN FOI CASES. HOWEVER, PRESIDENTIAL LIBRARIES ARE NOT REQUIRED TO SUBMIT LOU DOCUMENTS OR OTHER ADMINISTRATIVELY CONTROLLED DOCUMENTS IN THEIR POSSESSION (WITH THE

EXCEPTION OF CERTAIN CATEGORIES OF PRE-1972 DOCUMENTS DEFINED IN THE ORDER) TO THE DEPARTMENT FOR REVIEW, BUT MAY RELEASE SUCH DOCUMENTS DIRECTLY TO REQUESTERS ON THEIR OWN AUTHORITY. SINCE THE FOIA DOES NOT APPLY TO THE PRESIDENTIAL LIBRARIES, THEY ARE NOT OBLIGED TO TAKE INTO ACCOUNT ITS PROVISIONS FOR WITHHOLDING DOCUMENTS ON GROUNDS OTHER THAN CLASSIFICATION. HOWEVER, THE LIBRARIES ARE GOVERNED BY GUIDELINES SET BY THE PRESIDENTIAL DONORS, WHICH VARY BUT TEND TO RESTRICT RELEASE OF SOME OF THE OTHER MATERIAL CITED IN THE FOIA EXEMPTIONS, SUCH AS INFORMATION AFFECTING PERSONAL PRIVACY.

4. POSTS SHOULD ALSO REMEMBER THAT DOCUMENTS CLASSIFIED UNDER EO 11652 WHICH HAVE NOT BEEN DECLARED EXEMPT FROM THE GENERAL DECLASSIFICATION SCHEDULE (GDS) WILL BE AUTOMATICALLY DECLASSIFIED UNDER THAT SCHEDULE. IN PRACTICE THERE HAVE BEEN NO INSTANCES OF SUCH DECLASSIFICATION TO DATE, BECAUSE THE EARLIEST DATE FOR DECLASSIFICATION UNDER GDS IS SIX YEARS FOR DOCUMENTS CLASSIFIED CONFIDENTIAL, AND THE GDS APPLIES ONLY TO THOSE DOCUMENTS CLASSIFIED SINCE THE ORDER TOOK EFFECT IN 1972. PRESIDENTIAL LIBRARIES WILL NOT BE REQUIRED TO SUBMIT THESE AUTOMATICALLY DECLASSIFIED DOCUMENTS TO THE DEPARTMENT FOR REVIEW BEFORE RELEASING THEM UNDER EO 11652.

5. POSTS SHOULD KEEP IN MIND ABOVE CONSIDERATIONS REGARDING DECLASSIFICATION AND POSSIBLE RELEASE IN DECIDING WHETHER FOREIGN OFFICIAL AND OTHER SOURCES NEED BE UNCLASSIFIED

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SPECIFICALLY IDENTIFIED IN REPORTING MESSAGES. REPORTING FROM UNOFFICIAL SOURCES SPEAKING IN CONFIDENCE CAN UNDER SOME CIRCUMSTANCES BE PROTECTED UNDER PROVISIONS OF THE EXECUTIVE ORDER, E.G., TO PROTECT AN INTELLIGENCE SOURCE, OR TO AVOID CAUSING DAMAGE TO OUR FOREIGN RELATIONS, WHERE THE CHARACTER OF THE SOURCE IS SUCH THAT THE RISK CAN REASONABLY BE CONSIDERED SUBSTANTIAL. HOWEVER, ONE RECENT INCIDENT OF A RELEASE HIGHLY ALARMING TO THE UNOFFICIAL SOURCE AND DAMAGING TO EFFECTIVENESS OF THE EMBASSY CONCERNED SUGGESTS THAT CARE SHOULD BE TAKEN IN WEIGHING THE NEED TO IDENTIFY SOURCES SPECIFICALLY IN REPORTING.

6. CLASSIFYING OFFICERS SHOULD BE ALERT TO AVOID UN-NECESSARILY PROLONGED CLASSIFICATION AS WELL AS OVER-CLASSIFICATION. WITH THIS IN MIND, POSTS ARE URGED WHENEVER POSSIBLE TO USE THE ADVANCED DECLASSIFICATION SCHEDULE (SPECIFYING DATES OR EVENTS FOLLOWING WHICH DECLASSIFICATION IS TO TAKE PLACE EARLIER THAN THE GDS

PROVIDES.) THIS PROVISION IS TOO SELDOM UTILIZED, AND ITS USE ACTUALLY DECLINED SHARPLY IN 1976, DESPITE THE DEPARTMENT'S GENERALLY GOOD RECORD IN OTHER RESPECTS OF REDUCING THE USE OF CLASSIFICATION.

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
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**Decaption Date:** 01-Jan-1960 12:00:00 am  
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**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
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